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RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3731

PATENT
Attorney Docket No. 101.0042-05000
Customer No. 22882

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Gary Karlin Michelson, M.D.

Serial No: 10/098,683

Filed: March 15, 2002

For: SPINAL IMPLANT CONTAINING
BONE MORPHOGENETIC PROTEIN

Confirmation No. 7210

Art Unit: 3731

Examiner: U. Ho

Director of the United States Patent and Trademark Office

04/27/2004 SBRYCE P.O. Box 70541 10098683

Chicago, IL 60673

01 FC:1253 950.00 DA

02 FC:1402 330.00 DA

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated October 20, 2003 of the Examiner.

The item(s) checked below are appropriate:

- A request for extension of time to respond to the final rejection was filed on [Date] extending the period for response to [Date].
- A request for extension of time to further extend the period for response to April 20, 2004 is enclosed.
- The Appeal Fee of \$330.00

is enclosed or is to be charged to Deposit Account No. 50-1066.

- A check for \$*** to cover the above fees is enclosed.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: April 16, 2004

By: 
Thomas H. Martin
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